

CHAPTER II

10/506942

TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)
(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/CH03/00074 29 Jan 2003 13 Mar 2002
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

A Method for Applying Orthodontic Fastening Parts
TITLE OF INVENTION

Christoph Von Mondach
APPLICANT(S)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



26308
PATENT TRADEMARK OFFICE

ATTENTION: EO/US

NOTE: The completion of those filing requirements that can be made at a time later than 30 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(o). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 CFR 1.491 which states: 'An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495.'

WARNING: Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 CFR 1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 CFR 1.8).

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 CFR 1.494(f).

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date 8 September 2004, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 480413211 US, addressed as follows: Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Julie A. Wolf
(Type or print name of person mailing paper)

(Signature of person mailing paper)

WARNING. Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

WARNING: Each paper or fee filed by 'Express Mail' must have the number of the 'Express Mail' mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
'Since the filing of correspondence under §1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. " Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 CFR 1.492) as indicated below:

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2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	26-20	6	X 18.00	\$108.00
	INDEPENDENT CLAIMS	4-3	1	X86.00	\$86.00
	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$290.00 \$0.00
BASIC FEE	<input type="checkbox"/> US PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in \$1.482 has been paid on the international application to the US PTO: <input type="checkbox"/> and the international preliminary examination reports states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)). \$100.00 <input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)) \$720.00 <input checked="" type="checkbox"/> US PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in \$1.482 has been paid to the US PTO, and payment of an international search fee as set forth in \$1.445(a)(2) to the US PTO: <input type="checkbox"/> has been paid (37 CFR 1.492(a)(2)) \$770.00 <input checked="" type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)) \$1080.00 <input type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)) \$920.00				\$1,274.00
	Surcharge for late filing of Declaration / Power of Attorney				\$130.00
	Total of above Calculations				\$1,404.00
SMALL ENTITY	Reduction by ½ for filing by small entity, if applicable.				-\$702.00
	Total National Fee				\$702.00
	Fee for recording the enclosed assignment document (37 CFR 1.21(h)). See Item 13 below). See attached 'ASSIGNMENT COVER SHEET'. \$40.00				\$0.00
TOTAL	TOTAL FEES ENCLOSED				\$702.00

- i. ☒ A check in the amount of \$702.00 to cover the above fees is enclosed.
(This fee includes the surcharge for late filing of Declaration/Power of Attorney)
- ii. ☐ Please charge Account No. _____ in the amount of \$ _____
A duplicate copy of this sheet is enclosed.

DT09 Rec'd PCT/PTO 08 SEP 2004

WARNING: To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: * * * (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 CFR § 1.495(b).

WARNING: If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 CFR § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(o) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.

3. ☒ A copy of the International application as filed (35 U.S.C. 371(c)(2)):

NOTE: Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment. The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47. 1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date. Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

- a. ☐ is transmitted herewith.
b. ☐ is not required, as the application was filed with the United States Receiving Office.
c. ☒ has been transmitted
i. ☒ by the International Bureau.
Date of mailing of the application (from form PCT/IB/308): 9/18/2003
ii. ☐ by applicant on _____
Date

4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)):
a. ☒ is transmitted herewith.
b. ☐ is not required as the application was filed in English.
c. ☐ was previously transmitted by applicant on _____
d. ☐ will follow.

5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371 (c)(3)):

NOTE The Notice of January 7, 1993 points out that 37 CFR § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that, "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1. 121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- a. ☐ are transmitted herewith.
b. ☐ have been transmitted

- i. ☐ by the International Bureau.
Date of mailing of the amendment (from form PCT/1-B/308): _____
 - ii. ☐ by applicant on _____
 - c. ☒ have not been transmitted as
 - i. ☒ applicant chose not to make amendments under PCT Article 19. Date of mailing of Search Report (from form PCT/ISA/210.): 4/4/2003
 - ii. ☐ the time limit for the submission of amendments has not yet expired. The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):
- a. ☐ is transmitted herewith.
 - b. ☐ is not required as the amendments were made in the English language.
 - c. ☒ has not been transmitted for reasons indicated at point 5(c) above.
7. ☐ A copy of the international examination report (PCT/IPEA/409)
- ☐ is transmitted herewith.
 - ☐ is not required as the application was filed with the United States Receiving Office.
8. ☐ Annex(es) to the international preliminary examination report
- a. ☐ is/are transmitted herewith.(if they exist)
 - b. ☐ is/are not required as the application was filed with the United States Receiving Office.
9. ☐ A translation of the annexes to the international preliminary examination report
- a. ☐ is transmitted herewith (f such annexes exist).
 - b. ☐ is not required as the annexes are in the English language.
10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115
- a. ☐ was previously submitted by applicant on _____
 - b. ☐ is submitted herewith, and such oath or declaration
 - i. ☐ is attached to the application.
 - ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
 - c. ☒ will follow.

OTHER DOCUMENT(S) OR INFORMATION INCLUDED:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☒ is transmitted herewith.
 - b. ☐ has been transmitted by the International Bureau. Date of mailing (from form PCT/IB/308): _____
 - c. ☐ is not required, as the application was searched by the United States International Searching Authority.
 - d. ☐ will be transmitted promptly upon request.
 - e. ☐ has been submitted by applicant on _____
12. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
- a. ☒ is transmitted herewith.
Also transmitted herewith is/are: _____

☒ Form PTO-1449 (PTO/SB/08A and 08B)

☒ Copies of citations listed.

Statement of relevance for foreign language reference CH 685853A5 is provided in the English Translation of the International Application (WO 03/075782 A1); page 2, lines 1 and 2, as submitted herewith.

- b. ☐ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on _____

13. ☐ An assignment document is transmitted herewith for recording.
A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" is also attached.

14. ☒ Additional documents:

- a. ☒ Copy of request (PCT/RO/101)
- b. ☒ International Publication No. WO 03/075782 A1
- i. ☒ Specification, claims and drawing
- ii. ☐ Front page only
- c. ☒ Preliminary amendment (37 C.F.R. § 1.121)
- d. ☐ Copy of Demand
- e. ☐ Copy of Written Opinion
- f. ☒ Other
Substitute Specification - Clean Version
Substitute Specification - Marked-Up Version

15. ☒ The above checked items are being transmitted
- a. ☒ before 30 months from any claimed priority date.
- b. ☐ after 30 months.

16. Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on _____
namely: _____

17. AUTHORIZATION TO CHARGE ADDITIONAL FEES

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 06-2360.
- ☒ 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)
- ☒ 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)
- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

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[X] 37 CFR 1.492(e) and (Q) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).

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Patricia A. Limbach

(Signature of Practitioner)

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